

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RAY KITTERMAN,
Plaintiff,

v.

JERMEL THOMAS,
Defendant.

Case No. [16-cv-04058-SI](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION RE:
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

Re: Dkt. Nos. 3, 10

On August 3, 2016, Magistrate Judge Laporte granted *pro se* plaintiff Michael Kitterman's application to proceed *in forma pauperis*. Dkt. No. 5. On August 24, 2016, prior to ordering service of process, Judge Laporte issued a report and recommendation (the "Report") in this case. Dkt. No. 10. The Report recommends that the Court dismiss plaintiff's complaint in its entirety, with leave to amend only as to plaintiff's claims under 42 U.S.C. §§ 1983 and 1985. The Report further recommends that the Court dismiss plaintiff's claims under 18 U.S.C. § 242 and 5 U.S.C. § 552(b)(6) with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days from service of the Report to file written objections. *See also* Fed. R. Civ. P. 72(b). No party filed objections to the Report by the deadline.

The Court has reviewed the Report and the docket in this case. The Court agrees with Judge Laporte's analysis, and accordingly, the Court ADOPTS the Report and Recommendation. Plaintiff's claims under 18 U.S.C. § 1983 and 18 U.S.C. § 1985 are hereby DISMISSED, with

1 leave to amend. Plaintiff's claims under 18 U.S.C. § 242 and 5 U.S.C. § 552(b)(6) are hereby
2 DISMISSED, with prejudice.

3 **If he wishes to amend his complaint in accordance with this order, plaintiff must file**
4 **his amended complaint no later than September 26, 2016.**

5 This order resolves Dkt. No. 10.

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7 **IT IS SO ORDERED.**

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9 Dated: September 9, 2016

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11 SUSAN ILLSTON
12 United States District Judge
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